

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 16-19 are pending in this application. Claims 16-19 are amended by the present amendment. As amended Claims 16-19 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 16-19 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 16-19 of U.S. Patent No. 6,618,550 in view of Mori et al. (U.S. Patent No. 6,219,488, hereinafter "Mori"); and Claims 16-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 16-19 of U.S. Patent Application No. 10/800,758 in view of Mori.

Claims 16-19 are amended to clarify that the still picture additional audio file information is not included in the still picture VOB group information. No new matter is added.

With regard to the non-statutory double patenting rejections of Claims 16-19 in view Claims 16-19 of U.S. Patent No. 6,618,550 in view of Mori and Claims 16-19 of U.S. Patent Application No. 10/800,758 in view of Mori, those rejections are respectfully traversed in light of the terminal disclaimer submitted herewith.

The filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. The "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d

¹See, e.g., the specification at page 79, lines 18-22 and Figure 28.

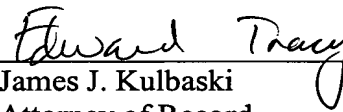
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1392 (Fed. Cir. 1991). Accordingly, Applicants filing of the attached disclaimer is provided for facilitating a timely resolution to prosecution only, and should not be interpreted as an admission as to the merits of the obviated rejection.

Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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